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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER	
TOPGYAL, GELEK W	

ART UNIT	PAPER NUMBER
2621	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

Office Action Summary	Application No.	Applicant(s)	
	10/016,828	DAVID ET AL.	
	Examiner	Art Unit	
	Gelek Topgyal	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 October 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-36,102,103 and 133-140* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-36,102,103 and 133-140* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *04 December 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/31/2007 has been entered.

Response to Arguments

2. Applicant's arguments filed 10/31/2007 have been fully considered but they are not persuasive.

3. In re pages 14-15, the applicants argue with reference to claims 1, 16, 23 and 31 (and respective dependent claims) that Dorricott's copyright information 32 of Dorricott does not include descriptive information about the actual content of the video material 30. For similar reasons, the applicants attest that claims 29, 33-35, and newly added claims 135-140 and their respective dependent claims are patentable.

4. In response, the examiner respectfully disagrees. After further review of the teachings of Dorricott, it is determined that another teaching within Dorricott does in fact teach other types of information, e.g. b) information identifying shots in the material and c) picture stamps relating to the shots, both of which can read on the present amendment to the claims. The rejection from a new point of view of Dorricott is discussed below.

5. In re page 15, the applicants argue that since claim 7 depends on claim 1, for the reasons discussed in paragraph 3 above, Dorricott and either Wilkinson teaches the deficiency and is therefore patentable.

6. In response, the examiner respectfully disagrees. As discussed in paragraph 4 above, claims 1, 16, 23 and 31 remains rejected, and therefore, claim 7 remains rejected as well.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The USPTO "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility" (Official Gazette notice of 22 November 2005), Annex IV, reads as follows:

Nonfunctional descriptive material that does not constitute a statutory process, machine, manufacture or composition of matter and should be rejected under 35 U.S.C. Sec. 101. Certain types of descriptive material, such as music, literature, art, photographs and mere arrangements or compilations of facts or data, without any functional interrelationship is not a process, machine, manufacture or composition of matter. USPTO personnel should be prudent in applying the foregoing guidance. Nonfunctional descriptive material may be claimed in combination with other functional descriptive multi-media material on a computer-readable medium to provide the necessary functional and structural interrelationship to satisfy the requirements of 35 U.S.C. Sec. 101. The presence of the claimed nonfunctional descriptive material is not necessarily determinative of nonstatutory subject matter. For example, a computer that recognizes a particular grouping of musical notes read from memory and upon recognizing that particular sequ3nce, causes another defined series of notes to be played, defines a functional interrelationship among that data and the computing processes performed when utilizing that data, and as such is statutory because it implements a statutory process.

Claims 139-140 are rejected under 35 U.S.C. Sec. 101 because the claimed invention is directed to non-statutory subject matter as follows. Claim 139 recites a memory that includes "material identifiers, first identifier, recording medium identifier and semantic metadata" which does not impart functionality to a computer or computing device, and is thus considered nonfunctional descriptive material. Such nonfunctional

descriptive material, in the absence of a functional interrelationship with a computer, does not constitute a statutory process, machine, manufacture or composition of matter and is thus non-statutory per se.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. **Claims 1, 3-6, 8, 15-17, 21, 23-26, 28-29, 31-36, 102-103 and 133-134** are rejected under 35 U.S.C. 102(b) as being anticipated by Dorricott et al. (GB 2 312 078).

Regarding claim 1, Dorricott et al. teaches a video and/or audio signal processing system (Fig. 1) comprising:

a recorder (page 2, lines 21-25 teaches store manager 3 as controlling writing and reading to the store 1, VTRs 2 and other storage 21, where video and/or audio material are stored to the *archive workstation 7*) configured to record video and/or audio material on a recording medium, the recorder including:

a first generator configured to generate first material identifiers for identifying respective pieces of material on the medium such that each piece is differentiated from other pieces on the medium (Figs. 3-5 and page 3, lines 27-29 teaches that "information identifying the content of pieces of video material, e.g. the name of the material" is generated for a piece of a stored material);

a second generator configured to generate second identifiers for pieces of material, the second identifiers being generated in accordance with the first material identifiers (Figs. 3-5 and page 3, lines 27 through page 4, line 12 teaches of a Unique Material Identification Code (UMID) for a piece of stored material having a title, which relates to the "name of the material" as discussed above) and a recording medium identifier for identifying the recording medium upon which the material is recorded (Figs. 3-5 and page 3, line 27 through page 4, line 12 teaches "e) data for locating the files where the material is stored; the medium e.g. the identity of a particular tape;"), and

a metadata generator (archive workstation 7) configured to generate semantic metadata (page 3, line 27 through page 4, line 12 teaches c) picture stamps, b) information identifying the shots in the material and scripts associated with the shots (page 7, lines 14-15)) describing an attribute of the material, wherein the semantic metadata is associated with the first identifier and the recording medium identifier (page 3, line 27 through page 4, line 12 teaches that the first material identifier (met by "a name for material"), the recording medium identifier (met by "data for locating the files where the material is stored") and c) picture stamps, b) information identifying the shots in the material and scripts associated with the shots (page 7, lines 14-15) (meeting claimed semantic data) are stored together in database 6).

Furthermore, it is taught by Dorricott et al. in Fig. 5 and page 7 that the database 5 and database 6 can be combined together and stored together in a single database, therefore the combination of data as stored in database 5 and database 6 is also possible.

Regarding claim 3, Dorricott et al. teaches the claimed wherein a third identifier identifying the machine which initially produces the video and/or audio material is produced and the second generator associates the second identifiers with the medium identifier and the first identifiers and the third identifiers in combination (Figs. 3-5 and page 3, line 27 through page 4, line 12 teaches "e) data for locating the files where the material is stored; the medium e.g. the identity of a particular tape;"),

Regarding claims 4, 133 and 134, Dorricott et al. teaches the claimed wherein the second identifiers are universally unique UMIDs (Page 3, lines 9-10 teaches that these UMIDs are universally unique).

Regarding claim 5, Dorricott et al. teaches the claimed wherein the first identifiers are recorded on the medium (Figs. 3-5 and page 3, line 27 through page 4, line 12 teaches the identifying data are stored in database 6).

Regarding claim 6, Dorricott et al. teaches the claimed wherein the first identifiers comprise material reference numbers (As discussed in claim 1 above, the material's name is recorded. The name is a reference to the material stored).

Regarding claim 8, Dorricott et al. teaches the claimed wherein the medium identifier is recorded on the medium (For the same reasons as discussed in claim 2 above. The medium identifier is stored in the database).

Regarding claim 15, Dorricott et al. teaches the claimed further comprising a database processor arranged to associate the second identifiers with at least the first identifiers or with the first identifiers and one or more of the medium identifiers and the

third identifiers (Figs. 3-5 and page 3, line 27 through page 4, line 12 teaches that database 6 stores the combined information).

Claims 16, 23, 29, and 33-35 are rejected for the same reasons as discussed in claim 1 above. The rejection for claim 1 above, applies to the multitude of methods, systems, recorders, and reproducers as claimed.

Claim 17 is rejected for the same reasons as discussed in claim 8 above.

Regarding claim 21, Dorricott et al. teaches the claimed wherein the recorder is arranged to produce a machine identifier identifying the recorder and to record the machine identifier on the medium and/or in the data store (As discussed above in claim 16 (via claim 1) and claim 3, the machine identifier is stored).

Claim 24 and 25 are rejected for the same reasons as discussed in claim 3 above.

Claim 26 is rejected for the same reasons as discussed in claim 16 (via claim 1) above, and additionally, the system as disclosed by Dorricott et al. is capable of retrieval, manipulation and playback of the materials stored.

Claim 28 is rejected for the same reasons as discussed in claims 1 and 4 above; and additionally, the system as disclosed by Dorricott et al. is capable of retrieval, manipulation and playback of the materials stored.

Claims 31 and 32 are rejected for the same reasons as discussed above in the combination of claims 1 and 2.

Computer program product claims 36, 102 and 103 are rejected for the same reasons as discussed above in claims 33,34 and 35, respectively. The system of

Dorricott et al. is run on a computer (Fig. 1), which reads on the claimed "digital signal processor".

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. **Claim 7** is rejected under 35 U.S.C. 103(a) as being unpatentable over Dorricott et al. (GB 2 312 078) in view of Wilkinson J. H. ("LINKING ESSENCE AND METADATA IN A SYSTEMS ENVIRONMENT").

Regarding claim 7, Dorricott et al. teaches the limitations as discussed in claim 6 above, however fails to particularly teach wherein the first identifiers are recorded in the user bits of time codes.

In an analogous art, Wilkinson J. H. teaches in section 2.4 that material numbers defining a particular media clip is stored in the basic UMID. The basic UMID is stored as a header to the media clips (Fig. 2), and therefore are stored in the user bits of time codes.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to store the first identifiers in the user bits of time codes as taught by Wilkinson J. H. to allow media materials or clips to be automatically identify the

materials or clips themselves. This aids in the archiving and furthermore the retrieval of clips when stored in a database.

12. **Claims 9-12, 18-20, 22, 27, 30 and 135-140** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dorricott et al. (GB 2 312 078).

Claims 9-12, 18-20, 22, 27 and 30 recite limitations that relate to a housing which contains the medium and supports a data store, additional to the medium capable of storing the following: the first identifier, third identifier (machine identifier), and the medium identifier. Dorricott et al. teaches that all of the information is stored on the medium (As discussed above in claims 1-5, 16-17, 23-26, 29), however fails to teach a data store, additional to the medium that stores the same information. The examiner elects to take Official Notice.

It is well known and conventional in the art for a recording medium to have an additional storage medium supported by a housing, in addition to the recording medium itself, to record same identification information as that stored on the recording medium.

The additional storage medium acts as a backup storage identification information. This allows a user to identify a particular medium and what is stored on the medium without having to actually read the medium. Also, in the case that identification information is lost on the recording medium, the additional storage medium allows for a backup copy to be available.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the ability to incorporate an additional storage medium, in addition to the recording medium itself to decrease the time for effective

media/material retrieval in a database by allowing a user to identify and preview information stored on the medium.

Claims 135-140 are rejected for the same reasons as discussed in claims 1 and 10-11 above.

13. **Claims 13 and 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dorricott et al. (GB 2 312 078).

Claims 13 and 14 recite limitations wherein the housing of the medium has a label writable with the medium identifier. Dorricott et al. teaches that all of the information is stored on the medium (As discussed above in claims 1-5), however fails to teach wherein the housing has a label writable with the medium identifier. The examiner elects to take Official Notice.

It is well known and conventional in the art to be able to label a housing with a medium identifier.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to label a housing with a medium identifier so that a user can improve efficiency of retrieval of a particular medium within a database by being able to identify the medium without having to play the particular medium.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gelek Topgyal whose telephone number is 571-272-8891. The examiner can normally be reached on 8:30am -5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GT
1/4/2008